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Townships in Michigan

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Townships are a prominent part of Michigan's system of local government. Local governments are sometimes called political subdivisions of the state because all local governments are, in a very real legal sense, "creatures of the state." The Michigan Constitution and state laws provide for the authorities and responsibilities of Michigan's counties, cities, villages and townships.

Townships govern the 96% of Michigan's land area outside of cities. Villages are political subdivisions as well, but their territory remains part of the township in which the village is located, and the two governmental entities share responsibility for governmental functions within the village boundaries.

Michigan's system of local government is sometimes described as "confusing," "overlapping," and "redundant," but the existence of townships actually provides a degree of simplicity and cohesiveness that other, non-township states lack. In states that do not have township government, a much more complex system of special purpose districts must be created to deliver the services that township government provides in Michigan.

Some government functions are shared in a coordinated manner between counties and local governments. For example, counties perform parts of the property tax assessing, tax collection and election functions, while townships carry out other aspects of these functions. This division of responsibilities provides a system of checks and balances.

While township government predates Michigan statehood, township government form and functions have evolved to meet ever-evolving state needs. The U.S. Bureau of the Census offers this succinct definition of Michigan townships:

There are 1,123 townships and 117 charter townships which are all actively functioning governmental units. Townships are the original units of government formed in the state. Typically, though not always, townships are 36 square miles in size. Each township is governed by a board of trustees consisting of the township supervisor, township clerk, township treasurer, and two or four elected trustees. The entire state is covered by township governments except for areas within cities.^[1]

Michigan's oldest townships developed in Monroe County, where French settlers established the earliest communities. Those townships were later ratified and a number of other townships first established by the Legislative Council of the Territory of Michigan in 1827—10 years before Michigan became a state—in an Act that organized townships in:

- Oakland (Oakland, Troy, Bloomfield, Farmington, and Pontiac Townships),
- Monroe (Monroe, Raisinville, Erie, and Port Lawrence Townships),
- Lenawee (Tecumseh, Logan, Blissfield, and St. Joseph Townships),
- St. Clair (Cottrellville, Sindair, and Desmond Townships),
- Macomb (Harrison Township),
- Washtenaw (Ypsilanti, Ann Arbor, Dexter Townships),
- Wayne (Maguagon, Brownstown, Huron, Plymouth, Bucklin, Ecorse, Spring Wells, Detroit, and Hamtramck Townships),
- Crawford (St. Anthony Township),
- Menominee (Holmes Township) and
- Chippewa Counties (St. Marie Township), along with
- Green Bay Township in Brown County, which is now in Wisconsin.

The Act declared:

That the townships in the several counties in this Territory which in this act are laid out, described, and designated, or which may hereafter be laid out and established by law, be and they are hereby declared to be bodies politic and corporate, for the purpose of enjoying and exercising the rights and privileges which are or shall be by law given to them.

As additional settlements were established further west and north, the territorial government and later state government adopted laws officially recognizing additional townships as governmental entities, including a name to identify that entity. County governments were also given authority to create townships as well.

The names chosen for townships in the southern-most counties are a mixture of references to classical antiquity, eastern states and European cities, and local geographic features. Many townships in the central Lower Peninsula were officially organized after the Civil War and were given names to commemorate contemporary presidents, prominent statesmen and Union generals. Northern counties in the Lower Peninsula returned to a wide variety of inspirations for their names, while a number of townships in the Upper Peninsula opted to honor captains of the mining industry as well as local features.

VerBurg points out that the form and structure of Michigan township government was not well established until the adoption of the Michigan Constitution of 1850. The township offices of supervisor, clerk, treasurer, highway commissioner, school inspector, four constables and a highway overseer for each highway district were also authorized, as well as up to four justices of the peace.^[2]

Today the offices of supervisor, clerk, treasurer and two or four trustees remain from these early offices. Along with two or four trustees, the three administrative officers comprise the township board. The McNitt Act of 1931 transferred township authority for roads to a system of county road commissions, and schools became independent special districts in the interim. Township justices of the peace were also dropped from the state's unified system of justice in lieu of today's district courts.

Unlike townships in some other states that are referred to as "unincorporated units of government," the Michigan Constitution designates townships in Michigan as corporate bodies with the right to sue and be sued. Thus townships in Michigan have the authority of corporations provided in common law, while unincorporated townships elsewhere rely on state statutes for all of their powers to enforce contracts. Another important provision of the 1963 Michigan Constitution is that township powers are to be "liberally construed":

The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.^[3]

This section—Article VII, Section 34—nullified the need for the Michigan legislature to provide highly detailed, explicit statutory authority for township operations typical of statutory provisions that pre-date the 1963 Constitution, and allows townships more flexibility to design systems and operations appropriate for local needs and circumstances yet consistent with broad enabling laws.

Nonetheless, Michigan townships, as well as all but three counties, are called "statutory" governmental entities because the Michigan Constitution charges the Michigan Legislature to decide what powers and duties these entities may, or shall provide, as expressly stated or fairly implied in statute. Cities and villages have home rule powers to undertake any activity that is not prohibited by law. It is this choice between a form of government that is, by law, limited in what it can do, versus a form of government that is expansive in nature, that poses the prime policy choice that a community must make in deciding if it wants to be governed as a township or as a city. The choice is not merely between limited and expanded governmental powers, of course; the choice includes the more limited taxation authority of townships compared to cities, and the choice between the limited governance options provided for township boards in law compared to the much broader governance structure options available to city councils and mayors that are embodied in their charters.

^[1]U.S. Bureau of the Census Michigan profile, http://www.census.gov/geo/www/guidestloc/st26_mi.html

^[2] Managing the Modern Michigan Township, by Kenneth VerBurg, Michigan State University Board of Trustees and the Michigan Townships Association, East Lansing and Lansing respectively, 2002, page 4.

^[3] Michigan Constitution, Article VII, Section 34.